

Message Text

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PAGE 01 USUN N 03258 231912Z
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C O N F I D E N T I A L USUN NEW YORK 03258

FROM LOSDEL

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS CONFERENCE DAILY SUMMARY - AUGUST 21

SUMMARY: A PARTIAL SLATE OF THE CONFERENCE NEGOTIATING
GROUPS BEGAN WORK ON THE TEXTS FROM GENEVA BUT THE OPENING
DAY INERTIA PRODUCED FEW SPEAKERS. SUBSTANTIVE ACTIVITY
IS EXPECTED AS THE CONFERENCE SETTLES IN THIS WEEK. END
SUMMARY.

1. NG-2 (FINANCIAL ARRANGEMENTS) MET AND DECIDED TO RECON-
VENE THE OPEN-ENDED TECHNICAL GROUP OF EXPERTS WHICH HAD
BEEN ESTABLISHED IN GENEVA. CHAIRMAN KOH REQUESTED GEN-
ERAL COMMENTS ON HIS GENEVA TEXTS BUT THERE WERE NONE.

THE TECHNICAL EXPERTS LATER DISCUSSED THE APPLICATION FEE
FOR MINING BUT ADVANCED ONLY THEIR PREVIOUS POSITIONS: THE
EEC, JAPAN AND THE USSR FAVORED A \$100,000 FEE AND THE
G-77 A FEE OF \$500,000. THE U.S. STOOD BY ITS SUGGESTION
OF \$500,000, WHICH SHOULD BE VIEWED AS A CEILING. IF
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03258 231912Z

ACTUAL COSTS OF PROCESSING AN APPLICATION WERE LESS,
THERE SHOULD BE A REFUND TO THE APPLICANT.

AMBASSADOR KOH EXPRESSED DISAPPOINTMENT THAT LITTLE PRO-
GRESS WAS MADE TOWARD THE RESOLUTION OF THIS RELATIVELY
MINOR FEE ISSUE, BUT SCHEDULED ANOTHER TECHNICAL GROUP
MEETING FOR AUGUST 22.

2. NG-6 (CONTINENTAL SHELF) MET UNDER THE CHAIRMANSHIP OF AMBASSADOR AGUILAR BUT NO DELEGATION WANTED TO SPEAK ON SUBSTANCE. AUSTRALIA (BRENNAN) STATED THAT LACK OF SPEAKERS REFLECTED AN APPRECIATION OF THE COMPLEXITY OF THE PROBLEM AND, IN TURN, SUGGESTED SETTING ASIDE FORMAL MEETINGS FOR A FEW DAYS SO THAT THERE MIGHT BE CORRIDOR CONSULTATIONS. IT IS NOT CLEAR, HOWEVER, HOW AGUILAR INTENDS TO PROCEED. MOROCCO ASKED WHETHER THE NEPALESE COMMON HERITAGE FUND PROPOSAL SHOULD BE CONSIDERED IN NG-6 OR PLENARY (MOROCCO INTENDS TO BECOME A CO-SPONSOR). AGUILAR INDICATED THAT THE CONFERENCE, NOT THE COMMITTEE, WOULD HAVE TO TAKE A DECISION ON THE PROPER FORUM FOR DISCUSSION.

3. DISPUTE SETTLEMENT - THE UN SECRETARIAT HAS PREPARED A PAPER FOR THE MEETING OF LEGAL EXPERTS ON SEABED DISPUTE SETTLEMENT WHICH PROVIDES FOR A LIMITED REVIEW OF RULES AND REGULATION, BUT IS AMBIVALENT ON THE POSSIBILITY OF COMMERCIAL ARBITRATION.

CONVERSATIONS ON AUGUST 21 WITH SOVIET UNION ON MARITIME DELIMITATION DISPUTES HAVE NARROWED THE RANGE OF OPTIONS TO BE SUBMITTED TO NG-7 ON AUGUST 25.

4. COMMITTEE THREE - THE THIRD COMMITTEE RESUMED ITS WORK UNDER THE CHAIRMANSHIP OF JOSE VALLARTA (MEXICO) BUT THE CONFIDENTIAL

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PAGE 03 USUN N 03258 231912Z

SESSION FOUNDERED FOR LACK OF SPEAKERS AND WAS ADJOURNED EARLY. VALLARTA SUGGESTED THAT THE COMMITTEE BEGIN BY DISCUSSING THE CATEGORY III (CAT III) PROPOSALS MADE DURING THE GENEVA MEETING. THOSE PROPOSALS WERE ONES FOR WHICH, OWING TO LACK OF TIME OR DIVIDED VIEWS, NO COMPROMISE FORMULAE EMERGED, AND SO FURTHER INTENSIVE NEGOTIATIONS ARE REQUIRED. VALLARTA PROPOSED BEGINNING FIRST WITH THE LATTER CAT III AMENDMENTS BY AN ARAB GROUP (ON ART. 276) AND SPAIN (ON ART. 234). NO SPEAKERS CAME FORWARD TO ADDRESS SUBSTANCE; WHILE THE USSR AND FRANCE PROPOSED STARTING WITH CATEGORY II ITEMS (THAT IS WITH THOSE COMPROMISE FORMULAE WITH SUBSTANTIAL SUPPORT BUT ON WHICH THERE ARE STILL SOME RESERVATIONS AND OBJECTIONS). IN ADJOURNING, VALLARTA OFFERED TO MEET WITH INTERESTED DELEGATIONS IN THE AFTERNOON TO DISCUSS FURTHER THE COMMITTEE'S AGENDA.

5. THE DRAFTING COMMITTEE MET BUT USED THE TIME SOLELY TO CONCLUDE THAT THE COMMITTEE COULD COMMENCE WORK WITHOUT AFFECTING SUBSTANTIVE NEGOTIATIONS, AND TO DISTRIBUTE WORKING PAPERS BY THE SECRETARIAT FOR REVIEW OF THE GROUP MEMBERS. YOUNG

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